REMARKS/ARGUMENTS

In response to the Final Office Action mailed February 15, 2005, Claims 1-20 are pending in the present application.

This application is under final rejection. For the reasons set forth more fully below, Applicants respectfully submit that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

In the event, however, that the Examiner is not persuaded by Applicants' arguments, Applicants respectfully request that the Examiner enter the remarks to clarify issues upon appeal.

Applicants respectfully request that the Examiner remove the finality of the Final Office Action dated February 15, 2005. The independent claims were amended in a Preliminary Amendment that was included with an RCE filed January 20, 2005. However, in the Final Office Action dated February 15, 2005, the Examiner did not address the claims as amended. The Examiner stated:

> **Applicant's attorney states "Applicant has amended the independent claims to more clearly recite that the calling function is utilized to provide location information based on when a tracked position has not violated boundary conditions." Applicant's attorney's argument does not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which applicants think the claim present in view of the state of the art disclosed by the reference cited or the objections made. Further, they do not show how the amendments avoid such references or objections.**

However, Applicants have argued in the response dated October 25, 2004 that the claims over come the prior art. The arguments are restated below. The Examiner has not responded to the arguments in the October 25, 2004 response. Accordingly, removal of finality is respectfully requested.

In the recited invention, boundary conditions are established and a position is tracked to allow a comparison of the position to the boundary conditions to identify whether a portable

computer system has violated the boundary conditions. When, as a result of the comparison, the position is determined to violate the boundary conditions, anti-theft routines are performed. When, as a result of the comparison, the position is determined to not violate the boundary conditions, a preset calling function at preset intervals is utilized to identify a location of the portable computer system. Further, see page 8, lines 12-22: "if the portable computer 30 remains 'in-bounds' but is stolen, the scheduled reporting feature of the present invention allows the location of the stolen computer to be reported." In this manner, if the portable computer system is located somewhere unknown to its owner (i.e., potentially stolen) and is still within the preset boundary conditions (i.e., when it has not violated the boundary conditions by its tracked position), the owner is made aware of its location and can recover the portable computer system based on the reported location information. Thus, either anti-theft routines or a preset calling function at preset intervals occurs based on the result of a comparison between a tracked position and boundary conditions. Applicants have amended the independent claims in the Preliminary Amendment dated January 20, 2005 to more clearly recite that a calling function is utilized to provide location information based on when a tracked position has not violated boundary conditions.

Cited Art Rejections

The Examiner has maintained the rejection of claims 1, 2, and 5-20 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Cotichini et al ("Cotichini") and Klein. The Examiner also has maintained the rejection of claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Cotichini and Klein and further in view of Isikoff. Applicants respectfully disagree with the rejections.

In response the Applicants' previous remarks regarding these rejections, the Examiner stated in the Final Office Action dated August 24, 2004:

> **Regarding claim 1, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a call occurs based on a condition that a tracked position has not violated boundary conditions) are not recited in the rejected claim(s). ... Claim 1 currently reads that the calling function occurs "when the position has not violated the boundary conditions", and does not condition the occurrence of the calling function solely to the non-violation of the boundary conditions. Therefore, the claim as currently written does not preclude occurrence of the calling function when the boundary conditions are violated. "When" is a broader term than "based on" - "when" requires only that the boundary non-violation and calling function occur at the same time, not that the calling function is exclusively conditioned on, or made in response to, a boundary non-violation.**
> **Furthermore, there is not support in the specification as originally filed for conditioning the calling function on a non-violation of the boundary conditions. Page 8, lines 15-18 of the specification disclose that "while the boundary check facility is enabled, a call is made from the portable computer ...at preset intervals, such as once a day." The specification does not disclose that the calling function is disabled when a boundary violation occurs.**

While the Examiner has stated that Applicants have failed to recite that 'a call occurs based on a condition that a tracked position has not violated boundary conditions,' Applicants respectfully disagree. When the claims are taken as a whole, it is clear that the call occurs based on/according to/when a tracked position has not violated boundary conditions. For example, claim 1 recites:

> establishing boundary conditions within which the portable computer system is authorized for use;
> tracking a position of the portable computer system with a global position system (GPS) unit in the portable computer system;
> comparing the tracked position to the boundary conditions to identify whether the portable computer system has violated the boundary conditions;
> performing anti-theft routines based on when the tracked position has violated the boundary conditions; and
> utilizing a preset calling function at preset intervals to identify a location of the portable computer system based on GPS data from the GPS unit based on when the tracked position has not violated the boundary conditions.

Thus, boundary conditions are established and a position is tracked to allow a comparison of the position to the boundary conditions to identify whether the portable computer system has violated the boundary conditions. When, as a result of the comparison, the position is

determined to violate the boundary conditions, anti-theft routines are performed. When, as a result of the comparison, the position is determined to not violate the boundary conditions, a preset calling function at preset intervals is utilized to identify a location of the portable computer system. Thus, either anti-theft routines or a preset calling function at preset intervals occurs based on the results of a comparison between a tracked position and boundary conditions. Applicants believe this recitation supports the contention that a call is 'made in response to' or occurs 'based on'/ when a condition results that a tracked position has not violated boundary conditions.

Applicants respectfully submit that while the cited art of Cotichini does discuss a portable computer system calling a host through a public switched telephone network to transmit identifying indicia and location information, there is nothing to teach or suggest that such a call occurs when a tracked position has not violated boundary conditions. Cotichini does not utilize boundary conditions at all and thus offers no teaching or suggestion that a tracked position is a determining factor for a call being made, as occurs in Applicants' recited invention.

Further, there is nothing to teach or suggest that the calling performed in Cotichini could or would be combined with Hertel. Hertel's method for providing protection against theft and loss of a vehicle occurs based on Hertel's establishing boundary conditions within which a vehicle is authorized for use, tracking a position of the vehicle with a GPS unit, comparing the position to the boundary conditions to identify violation of the boundary conditions, and performing anti-theft routines when the position has violated the boundary conditions. The Examiner admits that Hertel does not disclose that the method is used in a portable computer system and does not disclose the recited aspect of utilizing a calling function to identify a location of the portable computer system based on GPS data from the GPS unit when the position has not violated the boundary conditions.

What Hertel does disclose is that its system "operates to continuously compare the vehicle's ground location with a permitted location data stored in the on-board data base 16. If the two values do not agree, the kill switch 34 disables the vehicle's engine or motor." (Col. 4, lines 56-60, emphasis added) Applicants respectfully submit that since Hertel's system performs continuous comparisons and does nothing unless a mismatch is found, there is nothing to teach or suggest that anything else should occur while a match occurs, i.e., while (or when) a boundary condition has not been violated. Thus, even if the calling in Cotichini were somehow construed as occurring when a boundary condition hadn't been violated, Applicants respectfully submit that there is nothing to teach or suggest how such a feature would or could be utilized with Hertel's continuous location comparison, nor how such a combination would result in Applicants' recited invention, where performance of two activities depends on the determination a tracked position of a portable computing system, i.e., the tracked position determines whether anti-theft routines proceed or preset calling functionality proceeds.

Further, the Examiner has cited Klein for teaching the use of GPS data from a GPS unit for identifying a location of a portable computer system and the use of a cellular calling facility in the form of a mobile telephone within the portable computer system. However, Applicants respectfully submit that even the inclusion of these features of Klein with Hertel and Cotichini fail to overcome the aforementioned deficiencies of Hertel in view of Cotichini in teaching or suggesting the recited invention.

In addition, while the Examiner cites Isikoff for teaching the utilization of a password in an anti-theft routine for a portable computer system, in view of the foregoing, Applicants respectfully submit that even the inclusion of Isikoff with Hertel, Cotichini, and Klein would not result in Applicants' recited invention, including the utilization of cellular calling functionality at preset intervals to identify a potential theft when boundary conditions have not been violated that

identifies a location of the portable computer system, including identification of a location based on GPS data. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. 103(a).

Applicants' attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

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Date

Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
Attorney for Applicant(s)
Reg. No. 30,801
(650) 493-4540